

CIVIL 12-1641  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Rachelle Lichtenstein,

Plaintiff,

Civil Action No.:

- against -

**SUMMONS ISSUED**

**ROSS, J.**

NCO Financial Systems, Inc.,

**COMPLAINT AND  
DEMAND FOR  
TRIAL BY JURY**

Defendant.

**REYES, M.J.**  
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Plaintiff Rachelle Lichtenstein ("Plaintiff" or "Lichtenstein"), by and through her attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for her Complaint against the Defendant NCO Financial Services Systems, Inc., ("Defendant" or "NCO"), respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff is a resident of the State of New York, County of Kings, residing at 109 Harrison Avenue, Brooklyn, New York 11211.

3. Defendant is a Pennsylvania corporation with a principal place of business at 507 Prudential Road, Horsham, Pennsylvania 19044, and is authorized to do business in the State of New York.

4. Defendant is a "debt collector" as the phrase is defined and used in the FDCPA.

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).
6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.
8. Upon information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from Plaintiff ("Alleged Debt").
9. On or about September 14, 2011, Defendant placed a telephone call to Plaintiff and left a message for Plaintiff on an answering machine.
10. Said message contained personal and confidential information.
11. Said message was to collect a debt, and it was left on an answering machine which was played and heard by one or more third parties who each had the right and opportunity to play same.
12. Said message was heard, amongst others, by the Plaintiff's brother, Mike Lichtenstein.
13. The actions of Defendant led to embarrassment, harassment, and disclosure of confidential information to a third party.

14. Said actions by Defendant violated 15 U.S.C. §1692(b)(2) which prohibits communicating to a third party and/or stating that a consumer owes a debt.

15. As a result of the Defendant's deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

**FIRST CAUSE OF ACTION**  
**(Violations of the FDCPA)**

16. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "15" herein with the same force and effect as if the same were set forth at length herein.

17. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violates various provisions of the FDCPA, including but not limited to 15 U.S.C. §1692e(11).

18. As a result of the Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

19. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this Complaint to which the Plaintiff is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Rachelle Lichtenstein, demands judgment against the Defendant NCO Financial Systems, Inc., as follows:

- A. For actual damages provided and pursuant to 15 U.S.C. Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 U.S.C. Sec.1692k(a)(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 U.S.C. Sec. 1692k(a)(3);

- D. For a declaration that the Defendant's practices violated the provisions of the FDCPA;  
and,
- E. For any such other and further relief, as well as further costs, expenses and  
disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
March 29, 2012

Respectfully submitted,

By: 

Samuel A. Ehrenfeld

FREDRICK SCHULMAN & ASSOCIATES

Attorneys at Law

Attorney for Plaintiff

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